



DOCKET NO. ETH1536

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Joseph H. Contiliano, et al.  
Serial No. : 09/874,218 Art Unit: 3738  
Filed : June 5, 2001 Examiner: W. Matthews  
For : Attachment Of Absorbable Tissue Scaffolds To Scaffold Fixation Devices

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on

August 19, 2004

(Date of Deposit)

William K. Wissing

Name of applicant, assignee, or Registered Representative

(Signature)

August 19, 2004

(Date of Signature)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

**Response**

Dear Sir:

This Response is filed in reply to the office action mailed on April 20, 2004. With the Petition of a one-month extension of time filed herewith, Applicants respectfully submit that this Response is timely filed.

**Remarks**

Claims 1-5, 7-11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gresser et al. Applicants respectfully traverse.

Applicants are claiming a tissue scaffold implant device. The device comprises as one component a foam tissue scaffold having a pore structure effective to facilitate tissue infiltration and growth into the foam scaffold. The effective pore structure is discussed in detail in the specification. As a second component, the device comprises a fixation component having a scaffold support component and a means for anchoring the device

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